S.B.CIVIL WRIT PETITION NO.5763/2004

Harphool Singh
v.
Union of India & ors.

DATE OF ORDER :: 27th April, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. R.S.Saluja, for the petitioner.
Mr. Vijay Bishnoi ]
Mr. Arvind Samdaria] for the respondents.

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This petition for writ is directed to challenge the decision of the appropriate government not to refer the industrial dispute raised by the petitioner being belated.

It is contended by counsel for the petitioner that under the Industrial Disputes Act, 1947 (hereinafter referred to as “the Act of 1947”) no limitation is prescribed for raising an industrial dispute, therefore, the appropriate government erred while denying to refer the dispute for its adjudication by an appropriate forum prescribed under the Act of 1947. To substantiate the contention, reliance is placed by counsel for the petitioner upon Division Bench judgment of this Court in the case of Ram Bharos Kharwad v. State of Rajasthan Raj. & anr. (RLR 2006(1) 658). In the case aforesaid the Division Bench of this Court held that the dispute though raised by the workman at a belated stage but the same was not ceased from existence, therefore, the denial for making reference was illegal.

In the instant matter the appropriate government the appropriate government refused to make reference as no justifiable reason for causing delay in dispute was given by the workman. No effort there appears to be made by the petitioner to keep the dispute alive, as such due to a flux of time the dispute, that was sought to be raised by the workman, ceased to be in existence.

It is further relevant to note that the appropriate government intimated the petitioner about its decision for refusal to make reference on 27.3.1996 but the instant petition for writ was filed on 11.10.2004. No satisfactory explanation for that too is given by the petitioner.

In view of whatever discussed above, I do not find any wrong on part of appropriate government while making an order for not referring the dispute for its adjudication.

Accordingly, this petition for writ, being having no merit, is dismissed.

( GOVIND MATHUR ),J.

Kkm/ps.